

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

FAN WANG, and HANG GAO

*Plaintiffs,*

v.

ATHIRA PHARMA, INC., et al.,  
*Defendants.*

Case No. 2:21-cv-00861-TSZ

**STIPULATION RE WAIVER OF  
SERVICE BY UNDERWRITER  
DEFENDANTS AND LEEN KAWAS,  
PH.D. AND [PROPOSED] ORDER**

HARSHDEEP JAWANDHA,

*Plaintiffs,*

v.

ATHIRA PHARMA, INC., et al.,  
*Defendants.*

Case No. 2:21-cv-00862

TIMOTHY SLYNE and TAI SLYNE,

*Plaintiffs,*

v.

ATHIRA PHARMA, INC, et al.,  
*Defendants.*

Case No. 2:21-cv-00864

Stipulation re Waiver of Service  
and [Proposed] Order, No. 2:21-cv-00861-TSZ - 1

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

**I. STIPULATION**

Plaintiffs Timothy Slyne and Tai Slyne (collectively the “Slyne Plaintiffs”), defendants Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Incorporated, and JMP Securities LLC (collectively the “Underwriter Defendants”), and defendant Leen Kawas, Ph.D. (“Dr. Kawas”), by and through their respective undersigned attorneys, and subject to the Court’s approval, hereby agree and stipulate as follows:

1. WHEREAS, on June 25, 2021 the Slyne Plaintiffs, individually and putatively on behalf of all others similarly situated, initiated a lawsuit against Athira Pharma, Inc., Glenna Mileson, Tadataka Yamada, M.D., John M. Fluke, Jr., James A. Johnson, Joseph Edelman, Dr. Kawas, and the Underwriter Defendants, by filing a document titled “Complaint—Class Action for Violation of Sections 11 and 15 of the Securities Act of 1933” in *Slyne et al. v. Athira Pharma, Inc., et al.*, 2:21-cv-00864-JLR (W.D. Wash.) (the “Slyne Action”).

2. WHEREAS, on June 25, 2021, two additional purported class action complaints raising issues of law and fact in common with those in the complaint in the *Slyne* Action were filed in this Court by plaintiffs Fan Wang and Hang Gao in *Wang et al. v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00861-TSZ (W.D. Wash.) (the “Wang Action”); and by plaintiff Harshdeep Jawandha, in *Jawandha v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00862-JCC (W.D. Wash.) (the “Jawandha Action”).

3. WHEREAS, on July 30, 2021, the Slyne Plaintiffs, through their counsel, asked counsel for Dr. Kawas and the Underwriter Defendants whether their clients would agree to waive service of a summons and the complaint in the *Slyne* Action.

4. WHEREAS, on August 5, 2021, the parties in the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action filed a stipulated motion seeking to consolidate the three lawsuits. *See* Docket No. 14 in the *Wang* Action.

5. WHEREAS, on August 9, 2021, the Court entered a Minute Order consolidating the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action (the “Consolidated Action”) for all

1 purposes and ordering that all further pleadings and papers shall be filed in the Wang Action.  
2 Docket No. 15 in the *Wang* Action (the “Consolidation Order”).

3 6. WHEREAS, in the Consolidation Order, the Court stated as follows:

4 The pretrial deadlines set in Case No. C21-861 TSZ [the Wang Action], *see* docket  
5 nos. 4 & 12, shall control. Within fourteen (14) days of the Court's Order for the  
6 appointment of Lead Plaintiff and approval of Lead Counsel pursuant to the  
7 PSLRA, the Lead Plaintiff and Defendants shall meet and confer and submit a  
schedule for the filing of a consolidated complaint or designation of an operative  
complaint, and a briefing schedule for Defendants' anticipated motion(s) to dismiss.

8 Docket No. 15 at p. 2.

9 7. WHEREAS, Dr. Kawas and the Underwriter Defendants each agreed to waive  
10 service of a summons and the complaint in the Slyne Action and each executed service waivers,  
11 copies of which were filed in the Consolidated Action immediately before this Stipulation was  
12 filed. *See* Docket Nos. 24–28 (the “Service Waivers”).

13 8. WHEREAS, the Slyne Plaintiffs understand and agree that, notwithstanding  
14 anything to the contrary provided in the Service Waivers, Dr. Kawas and the Underwriter  
15 Defendants shall have no separate obligation or duty to answer or otherwise respond to the extant  
16 complaint filed in the *Slyne* Action.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
18 Slyne Plaintiffs, Dr. Kawas, and the Underwriter Defendants, and subject to the Court’s approval,  
19 as follows:

20 1. Dr. Kawas and the Underwriter Defendants waive service of a summons and the  
21 Complaint in the *Slyne* Action as set forth in the Service Waivers.

22 2. Dr. Kawas’s and the Underwriter Defendants’ obligation to answer or otherwise  
23 respond to the operative complaint in the Consolidated Action, once it has been filed or designated  
24 by Lead Plaintiff, is governed by the Consolidated Order.

3. Notwithstanding anything to the contrary in the Service Waivers, Dr. Kawas and the Underwriter Defendants shall have no obligation to answer or otherwise respond to the extant complaint in the *Slyne* Action.

Dated: August 19, 2021

SO STIPULATED,

s/ Sean C. Knowles

Sean C. Knowles, WSBA #39893  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Telephone: (206) 359-6224  
sknowles@perkinscoie.com

***Counsel for Leen Kawas Ph.D.***

s/ Anthony Todaro

Anthony Todaro, WSBA #30391  
Lianna Bash, WSBA # 52598  
DLA PIPER LLP  
701 Fifth Avenue Suite 6900  
Seattle, Washington 98104  
Telephone: (206) 839-4800  
anthony.todaro@dlapiper.com  
lianna.bash@dlapiper.com

John J. Clarke, Jr., *admitted pro hac vice*  
DLA PIPER LLP  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 335-4500  
john.clarke@dlapiper.com

***Counsel for Defendants Goldman Sachs & Co.  
LLC, Jefferies LLC, Stifel, Nicolaus & Company,  
Incorporated and JMP Securities LLC***

s/ Eric R. Laliberte

Juli E. Farris, WSBA 17593  
Eric R. Labiberte, WSBA 44840  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, Washington 98101  
Telephone: (206) 623-1900  
jfarris@kellerrohrback.com  
elaliberte@kellerrohrback.com

Howard T. Longman NJBA 264882018  
*Admitted Pro Hac Vice*  
 LONGMAN LAW, P.C.  
 354 Eisenhower Pkwy., Suite 1800  
 Livingston, New Jersey 07039  
 Telephone: (973) 994-2315  
 hlongman@longman.law

***Attorneys for Plaintiffs Timothy Slyne and  
Tai Slyne***

## II. ORDER

Pursuant to the above Stipulation, **IT IS SO ORDERED.**

The Honorable Thomas S. Zilly

Presented by:

*s/ Sean C. Knowles*

Sean C. Knowles, WSBA #39893  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Telephone: (206) 359-6224  
sknowles@perkinscoie.com

*Counsel for Leen Kawas Ph.D.*

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1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
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FACSIMILE: (206) 623-3384

1 s/ Anthony Todaro

Anthony Todaro, WSBA #30391

2 Lianna Bash, WSBA # 52598

3 DLA PIPER LLP

701 Fifth Avenue Suite 6900

4 Seattle, Washington 98104

Telephone: (206) 839-4800

5 anthony.todaro@dlapiper.com

6 lianna.bash@dlapiper.com

7 John J. Clarke, Jr., *admitted pro hac vice*

DLA PIPER LLP

8 1251 Avenue of the Americas

New York, NY 10020

9 Telephone: (212) 335-4500

10 john.clarke@dlapiper.com

11 ***Counsel for Defendants Goldman Sachs***  
12 ***& Co. LLC, Jefferies LLC, Stifel, Nicolaus***  
13 ***& Company, Incorporated and JMP***  
***Securities LLC***

14 s/ Eric R. Laliberte

15 Juli E. Farris, WSBA 17593

Eric R. Laliberte, WSBA 44840

16 KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200

17 Seattle, Washington 98101

18 Telephone: (206) 623-1900

jfarris@kellerrohrback.com

19 elaliberte@kellerrohrback.com

20 Howard T. Longman NJBA 264882018

*Admitted Pro Hac Vice*

21 LONGMAN LAW, P.C.

22 354 Eisenhower Pkwy., Suite 1800

Livingston, New Jersey 07039

23 Telephone: (973) 994-2315

24 hlongman@longman.law

25 ***Attorneys for Plaintiffs Timothy Slyne and***  
26 ***Tai Slyne***

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